

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: By **CHAIRMAN JOE BALYEAT**, on February 25, 2003 at 3:37 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Joe Balyeat, Chairman (R)
Rep. George Golie, Vice Chairman (D)
Rep. Michael Lange, Vice Chairman (R)
Rep. Debby Barrett (R)
Rep. Paul Clark (D)
Rep. Jill Cohenour (D)
Rep. George Everett (R)
Rep. Tom Facey (D)
Rep. Daniel Fuchs (R)
Rep. Steven Gallus (D)
Rep. Carol Gibson (D)
Rep. Gail Gutsche (D)
Rep. Larry Jent (D)
Rep. Bob Lake (R)
Rep. Don Roberts (R)
Rep. Allen Rome (R)
Rep. Scott Sales (R)
Rep. Jim Shockley (R)
Rep. Pat Wagman (R)
Rep. Sandy Weiss (D)

Members Excused: None.

Members Absent: None.

Staff Present: Kathleen Ely, Committee Secretary
Doug Sternberg, Legislative Branch

Video-taped Committee: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society. THE TIME STAMP REPRESENTS ELAPSED TIME.

Committee Business Summary:

Hearing & Date Posted: HB 558, 2/8/2003; HJ 32, 2/20/2003;
HB 614, 2/13/2003; HB 661,
2/17/2003

Executive Action: HB 100, DO PASS AS AMENDED, 17-3
HB 241, DO PASS AS AMENDED, 19-1
HB 352, DO PASS AS AMENDED, 19-1
HB 486, DO PASS AS AMENDED, 20-0
HB 516, TABLED
HB 558, DO PASS AS AMENDED, 20-0
HB 598, DO PASS AS AMENDED, 18-2
HB 612, TABLED
HB 614, TABLED
HB 633, TABLED
HB 649, DO PASS AS AMENDED, 20-0
CC
HB 652, TABLED
HB 661, DO PASS AS AMENDED, 12-8
HB 671, TABLED
HJR 32, DO PASS AS AMENDED, 14-6

HEARING ON HB 558

Opening Statement by Sponsor:

01:00 REP. BROWN, HD 83 -- **Short Title:** Revise terms of
nonresident temporary snowmobile-use fees.

Proponents' Testimony:

03:00 Doug Monger, Department of Fish, Wildlife and Parks
EXHIBIT(fih42a01)
EXHIBIT(fih42a02)
EXHIBIT(fih42a03)
05:00 Alan Brown, Montana Snowmobile Association
EXHIBIT(fih42a04)
08:00 Chuck Beck, Montana Snowmobile Association
08:00 Fred Easy, Prickly Pear Sportsmen Association
08:00 Ken Hoovestol, Montana Snowmobile Association
09:00 Amy Sullivan, Montana Tourism Coalition
09:00 Mary Allen, Western Environmental Trade Association

Opponents' Testimony:

10:00 Linda Ellison, Bozeman
10:00 Mike Barrett

Informational Testimony: None.

Questions from Committee Members and Responses:

11:00

Closing by Sponsor:

13:00

EXHIBIT(fih42a05)

HEARING ON HJR 32

Opening Statement by Sponsor:

13:00 **REP. HAINES, HD 63 -- Short Title:** Resolution urging
 wolf delisting

Proponents' Testimony:

16:00 Chris Smith, Department of Fish, Wildlife and Parks

EXHIBIT(fih42a06)

18:00 Robert Throssell, Montana Wildlife Federation

18:00 Jean Johnson, Montana Outfitters and Guides Association

18:00 Chuck Rein

18:00 Fred Easy, Prickly Pear Sportsmen Association

19:00 Mike Collins

19:00 Tony Schoonen, Public Lands/Water Access Association,
 Inc.

Opponents' Testimony:

20:00 Lynn Fairbanks, Sierra Club

Informational Testimony: None.

Questions from Committee Members and Responses:

22:00

Closing by Sponsor:

32:00

HEARING ON HB 614

Opening Statement by Sponsor:

34:00 **REP. LASLOVICH, HD 57 -- Short Title:** Revise conditions
 of outfitter-sponsored nonresident combination
 licenses.

Proponents' Testimony:

38:00 Robert Throssell, Montana Wildlife Federation

43:00 Chris Marchion, Anaconda Sportsmen Association

EXHIBIT(fih42a07)

47:00 **REP. LENHART, HD 2**

50:00 Bill Orsello, Helena Hunters and Anglers

50:00 Fred Easy, Prickly Pear Sportsmen Association

51:00 Gary Holmquist, Ravalli County Fish and Wildlife
 Association

51:00 Fred Upchurch, Ravalli County Fish and Wildlife
Association

53:00 Greg Munther, Montana Bowhunters Association

54:00 Tony Schoonen, Skyline Sportsmen Association

EXHIBIT(fih42a08)

56:00 Lorry Thomas, Anaconda Sportsmen Association

EXHIBIT(fih42a09)

Opponents' Testimony:

56:00 Jean Johnson, Montana Outfitters and Guides Association

EXHIBIT(fih42a10)

1:00:00 Kelly Flynn

EXHIBIT(fih42a11)

1:06:00 Chuck Rein, Montana Stockgrowers Association

EXHIBIT(fih42a12)

1:09:00 Gary Boehm

1:11:00 Mike Collins

Informational Testimony:

1:13:00 Chris Smith, Department of Fish, Wildlife and Parks

EXHIBIT(fih42a13)

Questions from Committee Members and Responses:

1:16:00

Closing by Sponsor:

1:33:00

HEARING ON HB 661

Opening Statement by Sponsor:

1:38:00 **REP. BARRETT, HD 34 -- Short Title:** Revise FWP
management of all species.

Proponents' Testimony:

1:45:00 Mike Barrett

EXHIBIT(fih42a14)

1:50:00 Jean Johnson, Montana Outfitters and Guides Association

1:51:00 Mary Ellen, Western Environmental Trade Association

Opponents' Testimony:

1:51:00 Greg Munther, Montana Bowhunters Association

EXHIBIT(fih42a15)

Informational Testimony:

1:55:00 Chris Smith, Department of Fish, Wildlife and Parks

1:56:00 Fred Easy, Prickly Pear Sportsmen Association

Questions from Committee Members and Responses:

1:57:00

Closing by Sponsor:

1:59:00

5:40 p.m. Break

5:46 p.m. Resume

EXECUTIVE ACTION ON HB 558

Motion: REP. LANGE moved that HB 558 DO PASS.

Motion/Vote: REP. LANGE moved that HB 558 BE AMENDED. Motion carried unanimously 20-0 by voice vote.

Motion/Vote: REP. LANGE moved that HB 558 DO PASS AS AMENDED. Motion carried unanimously 20-0 by voice vote.

Motion: REP. SHOCKLEY moved that HB 558 BE PLACED ON THE CONSENT CALENDAR. Motion failed 18-2 with REPS. COHENOUR and GUTSCHE voting no by voice vote.

EXECUTIVE ACTION ON HJR 32

Motion: REP. LANGE moved that HJR 32 DO PASS.

Motion/Vote: REP. FACEY moved that HJR 32 BE AMENDED. Motion carried 19-1 with REP. JENT voting no by voice vote.

Motion: REP. FACEY moved that HJR 32 DO PASS AS AMENDED.

Motion/Vote: REP. FACEY moved that HJR 32 BE AMENDED. Motion carried 17-3 with REPS. EVERETT, FUCHS, and JENT voting no by voice vote.

Motion: REP. GUTSCHE moved that HJR 32 DO PASS AS AMENDED.

Motion/Vote: REP. GUTSCHE moved that HJR 32 BE AMENDED. Motion carried 18-2 with REPS. COHENOUR and JENT voting no by voice vote.

Motion: REP. GUTSCHE moved that HJR 32 DO PASS AS AMENDED.

Motion: REP. GUTSCHE moved that HJR 32 BE AMENDED.

Substitute Motion/Vote: REP. FACEY made a substitute motion that HJR 32 BE AMENDED. Substitute motion carried 14-6 with REPS. COHENOUR, GALLUS, GOLIE, GUTSCHE, JENT, and SHOCKLEY voting no by voice vote.

Motion: REP. SALES moved that HJR 32 DO PASS AS AMENDED.

Motion/Vote: REP. CLARK moved HJR 32 BE AMENDED TO STRIKE "IN THE NEXT FEW YEARS" ON PAGE 2, LINE 1. Motion carried 17-3 with REPS. FUCHS, GUTSCHE, and JENT voting no by voice vote.

Motion: REP. SALES moved that HJR 32 DO PASS AS AMENDED.

Motion: REP. GALLUS moved that HJR 32 BE AMENDED (conceptual amendment).

Motion: REP. BALYEAT moved that HJR 32 BE AMENDED ON PAGE 2, LINE 20, TO STRIKE "COMPLETE". Motion failed by voice vote.

Vote: Motion failed by voice vote.

Motion: REP. COHENOUR moved that HJR 32 BE AMENDED TO CHANGE "JOIN" TO "ADVISE." Motion failed by voice vote.

Motion/Vote: REP. JENT moved that HJR 32 BE TABLED. Motion failed 9-11 with REPS. CLARK, COHENOUR, FACEY, GALLUS, GIBSON, GOLIE, GUTSCHE, JENT, and WEISS voting aye by roll call vote.

Motion/Vote: REP. WAGMAN moved that HJR 32 DO PASS AS AMENDED. Motion carried 14-6 with REPS. COHENOUR, GIBSON, GOLIE, GUTSCHE, JENT, and WEISS voting no by roll call vote.

EXECUTIVE ACTION ON HB 486

Motion: REP. LANGE moved that HB 486 DO PASS.

Motion: REP. GUTSCHE moved that HB 486 BE AMENDED.
EXHIBIT (fih42a16)

Motion: REP. LANGE moved TO SEGREGATE SECTIONS 2 AND 10 OF THE AMENDMENT. Motion passed unanimously by voice vote.

Motion: REP. LANGE moved that HB 486 BE AMENDED WITHOUT SECTIONS 2 and 10. Motion passed unanimously by voice vote.

Motion: REP. LANGE moved that HB 486 BE AMENDED WITH SECTIONS 2 and 10. Motion failed by voice vote.

Motion/Vote: REP. CLARK moved that HB 486 DO PASS AS AMENDED.
Motion carried unanimously by voice vote.

Motion/Vote: REP. BALYEAT moved that HB 486 BE INCLUDED ON THE
CONSENT CALENDAR. Motion failed 19-1 with REP. SALES voting no by
voice vote.

EXECUTIVE ACTION ON HB 649

Motion: REP. CLARK moved that HB 649 DO PASS.

Motion/Vote: REP. CLARK moved that HB 649 BE AMENDED. Motion
carried unanimously by voice vote.

EXHIBIT(fih42a17)

Motion/Vote: REP. CLARK moved that HB 649 DO PASS AS AMENDED.
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 352

Motion: REP. LANGE moved that HB 352 DO PASS.

Motion/Vote: REP. BALYEAT moved that HB 352 BE AMENDED. Motion
carried 19-1 with REP. FACEY voting no by voice vote.

EXHIBIT(fih42a18)

Motion: REP. LANGE moved that HB 352 DO PASS AS AMENDED.

Motion/Vote: REP. CLARK moved that HB 352 BE AMENDED TO STRIKE
THE WORD "OUTFITTERS." Motion carried unanimously by voice vote.

Motion/Vote: REP. LANGE moved that HB 352 DO PASS AS AMENDED.
Motion carried 19-1 with FACEY voting no by voice vote.

EXECUTIVE ACTION ON HB 598

Motion: REP. SALES moved that HB 598 DO PASS.

Motion/Vote: REP. CLARK moved that HB 598 BE AMENDED. Motion
carried unanimously by voice vote.

EXHIBIT(fih42a19)

Motion: REP. SALES moved that HB 598 DO PASS AS AMENDED.

Motion/Vote: REP. SALES moved that HB 598 BE AMENDED. Motion
carried unanimously by voice vote.

EXHIBIT(fih42a20)

Motion: REP. SALES moved that HB 598 DO PASS AS AMENDED.

Motion/Vote: REP. CLARK moved that HB 598 BE AMENDED. Motion failed by voice vote.

EXHIBIT(fih42a21)

Motion: REP. SALES moved that HB 598 DO PASS AS AMENDED.

Motion/Vote: REP. BALYEAT moved that HB 598 BE AMENDED. Motion carried unanimously by voice vote.

EXHIBIT(fih42a22)

Motion: REP. SALES moved that HB 598 DO PASS AS AMENDED. Motion carried 18-2 with REPS. GOLIE and JENT voting no by voice vote.

EXECUTIVE ACTION ON HB 516

Motion: REP. FACEY moved that HB 516 DO PASS.

Motion: REP. BALYEAT moved that HB 516 BE AMENDED.

EXHIBIT(fih42a23)

Motion/Vote: REP. FACEY moved that HB 516 BE TABLED. Motion carried 17-3 with REPS. BALYEAT, FUCHS, and ROME voting no by roll call vote.

EXECUTIVE ACTION ON HB 652

Motion/Vote: REP. JENT moved that HB 652 BE TABLED. Motion carried 18-2 with BALYEAT and WAGMAN voting no by voice vote.

EXECUTIVE ACTION ON HB 241

Motion: REP. FACEY moved that HB 241 DO PASS.

Motion/Vote: REP. FACEY moved that HB 241 BE AMENDED. Motion failed 1-19 with REP. FACEY voting aye by voice vote.

EXHIBIT(fih42a24)

Motion/Vote: REP. SHOCKLEY moved that HB 241 BE AMENDED. Motion carried unanimously by voice vote.

EXHIBIT(fih42a25)

Motion/Vote: REP. SHOCKLEY moved that HB 241 BE AMENDED TO CHANGE THE PERCENTAGE ON PAGE 3, LINE 6, TO READ "15%" INSTEAD OF "10%." Motion carried 16-4 with REPS. BALYEAT, FUCHS, GALLUS, and GUTSCHE voting no by voice vote.

Motion: REP. SHOCKLEY moved that HB 598 DO PASS AS AMENDED.

Motion/Vote: REP. SALES moved that HB 241 BE AMENDED ON PAGE 1, LINE 19, TO STRIKE "3 YEAR" AND INSERT "2 YEAR". Motion carried 15-5 with REPS. COHENOUR, FUCHS, GIBSON, ROME, and WEISS voting no by voice vote.

Motion/Vote: REP. SALES moved that HB 241 DO PASS AS AMENDED. Motion carried 15-5 with REPS. BALLYEAT, CLARK, GUTSCHE, WAGMAN, and WEISS voting no by roll call vote.

EXECUTIVE ACTION ON HB 612

Motion: REP. CLARK moved that HB 612 DO PASS.

Motion/Vote: REP. SALES moved that HB 612 BE TABLED. Motion carried 16-4 with REPS. BALLYEAT, CLARK, FUCHS, and GUTSCHE voting no by roll call vote.

EXECUTIVE ACTION ON HB 633

Motion: REP. LANGE moved that HB 633 DO PASS.

Motion: REP. BARRETT moved that HB 633 BE AMENDED.
EXHIBIT(fih42a26)

Substitute Motion/Vote: REP. FACEY made a substitute motion that HB 633 BE TABLED. Substitute motion carried 13-7 with REPS. BALLYEAT, BARRETT, FUCHS, LAKE, ROBERTS, ROME, and SHOCKLEY voting no by roll call vote.

EXECUTIVE ACTION ON HB 671

Motion: REP. CLARK moved that HB 671 DO PASS.

Motion/Vote: REP. CLARK moved that HB 671 BE AMENDED. Motion failed 4-16 with REPS. BALLYEAT, FUCHS, LANGE, and WAGMAN voting aye by roll call vote.
EXHIBIT(fih42a27)

Motion/Vote: REP. CLARK moved that HB 671 DO PASS AS AMENDED. Motion failed 10-10 with REPS. CLARK, COHENOUR, FACEY, GALLUS, GIBSON, GOLIE, GUTSCHE, JENT, SHOCKLEY, and WEISS voting aye by roll call vote.

Motion: REP. BALLYEAT moved that THE VOTE ON HB 671 BE REVERSED AND TABLED WITH REP. SHOCKLEY'S VOTE REMAINING THE SAME without objection.

7:40 p.m. Break

7:45 p.m. Resume

EXECUTIVE ACTION ON HB 661

Motion: REP. BARRETT moved that HB 661 DO PASS.

Motion/Vote: REP. FACEY moved that HB 661 BE AMENDED TO STRIKE LINES 12-26. Motion carried 19-1 with REP. WAGMAN voting no by voice vote.

Motion: REP. SALES moved that HB 661 BE AMENDED. REP. SALES withdrew the Amendment.

Motion/Vote: REP. BARRETT moved that HB 661 BE AMENDED TO ADD "RESPONSIBLE STEWARDSHIP" ON PAGE 2. Motion carried unanimously by voice vote.

Motion/Vote: REP. ROME moved that HB 661 DO PASS AS AMENDED. Motion carried 12-8 with REPS. CLARK, COHENOUR, FACEY, GIBSON, GOLIE, GUTSCHE, JENT, and WEISS voting no by roll call vote.

EXECUTIVE ACTION ON HB 614

Motion: REP. WAGMAN moved that HB 614 DO PASS.

Motion/Vote: REP. SHOCKLEY moved that HB 614 BE TABLED. Motion carried 14-6 with REPS. COHENOUR, FACEY, GALLUS, GIBSON, GOLIE, and WEISS voting no by roll call vote.

EXECUTIVE ACTION ON HB 227

Motion/Vote: REP. BALYEAT moved that HB 227 BE REMOVED FROM THE TABLE. Motion failed 7-13 with REPS. BALYEAT, BARRETT, EVERETT, LANGE, ROBERTS, SALES, and WAGMAN voting aye by roll call vote.

EXECUTIVE ACTION ON HB 100

Motion/Vote: REP. JENT moved that HB 100 BE REMOVED FROM THE TABLE. Motion passed 13-6 with REPS. BALYEAT, GALLUS, ROME, SALES, SHOCKLEY, and WAGMAN voting no, with REP. FUCHS excused, by roll call vote.

Motion: REP. JENT moved that HB 100 DO PASS.

Motion/Vote: REP. LAKE moved that HB 100 BE AMENDED. Motion carried unanimously by voice vote.

EXHIBIT(fih42a28)

Motion: REP. LAKE moved that HB 100 DO PASS AS AMENDED.

Motion/Vote: REP. LAKE moved that HB 100 BE AMENDED. Motion carried unanimously by voice vote.

EXHIBIT(fih42a29)

Motion: REP. LAKE moved that HB 100 DO PASS AS AMENDED.

Motion/Vote: REP. LAKE moved that HB 100 DO PASS AS AMENDED.

Motion carried 16-3 with REPS. BALYEAT, SALES, and WAGMAN voting no, with REP. FUCHS excused, by voice vote.

ADJOURNMENT

Adjournment: 8:27 A.M.

REP. JOE BALYEAT, Chairman

KATHLEEN ELY, Secretary

JB/KE

EXHIBIT (fih42aad)